

<b>MEETING</b>	THE COUNCIL
<b>DATE</b>	21 October 2010
<b>TITLE</b>	Commencement Order for a Local Development Plan
<b>PURPOSE</b>	To formally complete work on the Unitary Development Plan (UDP) and to request the Welsh Assembly Government to prepare secondary legislation authorising the commencement of preparing a Local Development Plan (LDP).
<b>RECOMMENDATION</b>	It is recommended that: <ol style="list-style-type: none"> <li>1. The Head of Regulatory Department is authorised to inform the Welsh Assembly Government that the Council has completed using its powers to prepare a UDP under the Town and Country Planning Act (as amended) 1990, and</li> <li>2. The Head of Regulatory Department is authorised to ask the Welsh Assembly Government to prepare the secondary legislation (Local Commencement Order) to authorise the formal commencement of preparing the LDP.</li> </ol>
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## **1. Introduction**

- 1.1 Following the adoption of the UDP in July 2009, the work associated with preparing the UDP ended. Therefore, the Council is now in a position to request the Welsh Assembly Government (WAG) to prepare a Local Commencement Order for preparing the LDP. The Council cannot undertake any formal work or make any formal decisions in accordance with its duty to prepare a LDP until the Order is in place.

## **2. Background**

- 2.1 The Council adopted the UDP on 16 July 2009 under the Town and Country Planning Act 1990 (as amended) and the miscellaneous regulations adopted under the said Act, namely, the Town and Country Planning Regulations (Development Plan) 1991 (as amended).
- 2.2 The requirements of Part 6 of the Planning and Compulsory Purchase Act 2004 was implemented in Wales in October 2005. This legislation makes it a requirement for every local planning authority in Wales to prepare a LDP for its

area. This replaces the requirement to prepare a UDP under the 1990 Act. When the LDP is adopted, it will replace the UDP and the LDP will then be the development plan for the Gwynedd Planning Authority area.

- 2.3 In accordance with the transitional provisions of Article 6 of the Planning and Compulsory Purchase (Commencement No. 4 and Consequential, Transitional and Savings Provisions) (Wales) Order 2005 and in order to implement the new legislation, the Council must first make a decision not to undertake work on the UDP and to discontinue using its powers under the former legislation. Subsequently, the Council must write to the WAG, formally requesting them to prepare the necessary secondary legislation (Local Commencement Order), to authorise a formal movement towards preparing a LDP.

### **3. Current Situation**

- 3.1 Following a decision at the meeting of the Council Board on 15 June 2010, and a decision by the Executive Committee of the Isle of Anglesey County Council on the same day, work is underway to establish a Joint Planning Policy Unit and to prepare one LDP jointly for the Gwynedd and Anglesey Planning Authority area. A separate report will be submitted at the meeting of the Council regarding the constitutional changes that are required in relation to this.
- 3.2 By collaborating with others, including the Anglesey Planning Policy Unit, work is already underway to understand:
- the wider context regarding local, regional and national policies;
  - the area's needs, opportunities and constraints.

As it is a requirement to ensure that the LDP is 'sound', it is important that the process of preparing the LDP is driven by robust evidence. The process of developing the evidence base will therefore be continuous.

- 3.3 In accordance with the Town and Country Planning Regulations (Local Development Plans) 2005 and national planning policy guidelines in Local Development Plans 2005, work has already commenced on preparing the Delivery Agreement (DA) for the Local Development Plan, which includes a community engagement strategy and timetable for its preparation. It is understood that WAG cannot express a formal opinion on this document until the Council has been formally authorised to prepare the LDP. It is intended to report on the consultative draft version of the DA to the Environment Committee and then to the Council Board prior to its release for public consultation. Should it be decided to undertake the constitutional amendments referred to in paragraph 3.1 above, the DA will be submitted to the Environmental and Technical Services Scrutiny Committee and the Executive Committee of the Isle of Anglesey County Council, along with the Joint Planning Policy Committee (Gwynedd and

Anglesey). The conclusions of the public consultation along with the final draft version of the DA will be submitted to the meeting of the Council during 2011.

#### **4. Financial Implications**

- 4.1 There are no direct costs for the Council arising from the need for WAG to prepare the secondary legislation. The financial implications of preparing a LDP has been the subject of previous reports.

#### **5. Recommendations**

- 5.1 It is recommended that:
- a) The Head of Regulatory Department is authorised to inform the Welsh Assembly Government that the Council has completed using its powers to prepare a UDP under the Town and Country Planning Act (as amended)1990.
  - b) The Head of Regulatory Department is authorised to ask the Welsh Assembly Government to prepare the secondary legislation (Local Commencement Order), authorising the formal commencement of preparing the LDP.

#### **Background Papers:**

Town and Country Planning Act 1990 (as amended); Town and Country Planning Regulations (Development Plans) 1991 (as amended); Planning and Compulsory Purchase (Commencement No. 4 and Consequential, Transitional and Savings Provisions) (Wales) Order 2005; Town and County Planning (Local Development Plan) Regulations (Wales) 2005; Local Development Plans Wales 2005.